

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 49. BOARD OF ATHLETIC TRAINING

PREAMBLE

1. Article, Part, or Section Affected (as applicable) Rulemaking Action

R4-49-101	Amend
R4-49-102	Amend
R4-49-103	Amend
R4-49-201	Amend
R4-49-202	Amend
R4-49-203	Amend
R4-49-204	Amend
R4-49-205	Amend
R4-49-207	New Section
R4-49-208	New Section
R4-49-302	Amend
R4-49-401	Amend
R4-49-403	Amend
R4-49-404	Amend

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. § 32-3402

Implementing statute: A.R.S. § 32-3404

3. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rule:

Notice of Rulemaking Docket Opening: 17 A.A.R. 2469, December 9, 2011

4. The agency's contact person who can answer questions about the rulemaking:

Name: J. Randy Frost
Address: 4205 N. 7th Ave., Suite 305
Phoenix, AZ 85013
Telephone: (602) 589-8353
Fax: (602) 589-8354
E-mail: randy.frost@otboard.az.gov
Web site: <http://www.at.az.gov>

5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

The Arizona Board of Athletic Training is revising the majority of its rules for consistency. The rules in Articles 1 through 4 are not consistent with Arizona Revised Statutes, Title 32 (Professions and Occupations), Chapter 41 Articles 1 through 3. Specifically, Senate Bill 1131 of the 47th Legislature was signed into law in 2006. It adds A.R.S. § 32-4103(C), allowing the Board to adopt rules to prescribe continuing education requirements for license renewal and A.R.S. § 32-4127, allowing for the issuance of a temporary license.

In addition, Senate Bill 1326 and House Bill 2142 of the 49th Legislature were signed into law in 2010. The significantly revise the following statutes: A.R.S. § 32-4101 definitions; A.R.S. § 32-4103(C), requiring the Board to prescribe the appropriate education and training for an athletic trainer; A.R.S. § 32-4103(E), stating that an athletic trainer is subject to civil liability; A.R.S. § 32-4151(D), setting the limitation for treatment of persons participating in an athletic event; A.R.S. § 32-4103(C)(2), allowing for the appointment of advisory committees; A.R.S. § 32-4104(A), allowing the Board to jointly hire an Executive Director; A.R.S. § 32-4104(B), requiring the Board to hire staff; A.R.S. § 32-4105, establishing an athletic training fund; and A.R.S. § 32-4128, requiring an applicant to provide fingerprints for licensure.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Board did not rely on or review any study for this rulemaking.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will

diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The proposed rules affect the Board, licensees, businesses that employ athletic trainers, providers of continuing education and consumers of licensees' services. The proposed rule's impact on the Board will be the usual rulemaking related costs, which are minimal.

The rule changes are necessary to bring the board into compliance with statute revisions made in 2006 and 2010.

The Board estimates that the proposed rule changes will have minimal to moderate impact on the licensees and the businesses that hire them. Licensees will see minimal impact from an increase in fees paid for a license and the costs for continuing education. Businesses that hire the licensees and pay for their license renewals and continuing education may see minimal to moderate increases. A provider of continuing education will benefit from the revenue it receives for providing continuing education courses to licensees. Consumers of a licensee's services may see minimal increases in the fees rendered for services but will benefit from the requirement for continuing education.

The continuing education requirement for licensees will give some assurance to consumers that licensees are up to date on current athletic training practices.

9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:

Name: J. Randy Frost
Address: 4205 N. 7th Ave., Suite 305
Phoenix, AZ 85013
Telephone: (602) 589-8353
Fax: (602) 589-8354
E-mail: randy.frost@otboard.az.gov
Web site: <http://www.at.az.gov>

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Written comments will be received at the address listed in item 9 for at least 30 days after the Notice of Proposed Rulemaking is published in the *Register*. An oral proceeding will be scheduled if one is requested. Should a request

for an oral proceeding be received, notice of that proceeding will be published in a future edition of the *Register*.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The rules do not require a permit.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Federal law is not applicable to the rules.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

A.R.S. § 32-401, Definitions R4-49-101 (1)

A.R.S. § 41-1072 (1), Administrative completeness R4-49-101 (3)

A.R.S. § 38-431.03 (B), Confidential records R4-49-101 (10) (a)

A.R.S. § 41-1010, Confidential records R4-49-101 (10) (f)

A.R.S. § 41-1072 (3), Substantive review time-frame R4-49-101 (10) (f)

A.R.S. § 41-1077, Fees R4-49-101 (19)

A.R.S. § 32-4103 (A) (8), Board Meetings R4-49-103-(A)

A.R.S. § 32-4122, Qualifications R4-49-201 (A) (1)

A.R.S. § 41-1072, Application review R4-49-205 (A)

A.R.S. § 41-1072 (1) and listed in subsection (A) (2), Application review R4-49-205 (C)

A.R.S. § 41-1072 (3) and listed in subsection (A) (3), Application review R4-49-205 (D)

A.R.S. § 41-1092.07, Request for hearing R4-49-205 (D) (4) (c)

A.R.S. § 32-4154 et seq. in accordance with A.R.S. Title 41 Chapter 6, Article 10 and rules issued by the Office of

Administrative Hearings, Hearing procedures R4-49-301

A.R.S. § 41-1092.09, Rehearing R4-49- 302 (A)

A.R.S. § 32-4101 (3), Scope of practice, R4-49-401

A.R.S. § 32-4101 (3), Standards of practice R4-49-403

A.R.S. § 32-4153 (10), Code of ethics R4-49-404

A.R.S. § 32-1401 (10), Direction of a licensed physician R4-49-405

A.R.S. § 32-1800 (11), Direction of a license physician R4-49-405

A.R.S. § 32-4103 (B), Direction of a licensed physician R4-49-405 (2)

13. The full text of the rules follows:

**TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 49. BOARD OF ATHLETIC TRAINING**

ARTICLE 1. GENERAL PROVISIONS

Section

R4-49-101. Definitions

R4-49-102. Fees

R4-49-103. Board Operations

ARTICLE 2. LICENSURE

Section

R4-49-201. Qualifications for Licensure

R4-49-202. Original License Application

R4-49-203. Renewal License

R4-49-204. Expired License: Reinstatement

R4-49-205. License Application Review

R4-49-207. Temporary Licenses

R4-49-208 Continuing Education

ARTICLE 3. HEARINGS

Section

R4-49-302. Rehearing or Review of Decision

ARTICLE 4. ATHLETIC TRAINING PRACTICE

Section

R4-49-401. Scope of Practice

R4-49-403. Standards of Practice

R4-49-404. Code of Ethics

ARTICLE 1. GENERAL PROVISIONS

R4-49-101. Definitions

In addition to the definitions at A.R.S. § 32-4101, in this Chapter:

1. "Accredited educational institution" means an educational institution accredited by the ~~North Central Association of Colleges and Schools, Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, Northwest Association of Schools and Colleges, Western Association of Schools and Colleges, or Southern Association of Colleges and Schools.~~ CAATE or its predecessors.
2. "Active pursuit of athletic training certification" means:
 - a. Current enrollment in an educational program to fulfill academic requirements for athletic training certification;
 - or
 - b. Current participation in fieldwork experience to fulfill the fieldwork experience requirements for athletic training certification.
3. ~~"Administrative completeness review time frame" has the same meaning as in A.R.S. § 41-1072(1).~~
4. ~~3.~~ "Applicant" means an individual requesting an original license, a temporary license, a renewal license, or a reinstated license from the Board.
5. ~~4.~~ "Application packet" means the forms and documents the Board requires an applicant to submit or to be submitted on an applicant's behalf.
6. ~~5.~~ "Approved national athletic training certifying agency;" means the ~~National Athletic Trainers' Association Board of Certification, Inc.~~ BOC.
7. ~~6.~~ "Athlete" means:
 - a. A person participating in, or preparing for, a competitive team or individual sport; or
 - b. A member of a professional athletic team.

7. “Approved provider” means an educational provider approved by the BOC.
8. “Athletic training certification” means current athletic trainer certification provided by the ~~National Athletic Trainers’ Association~~ Board of Certification, Inc. BOC.
9. “Completed application” means an application packet that is correctly completed and includes the verified signature of the applicant, applicable fees, and all required documentation.
10. “BOC” means the Board of Certification, Inc.
11. “CAATE” means the Commission on Accreditaion of Athletic Training Education.
- 40.12. “Confidential record” means:
- a. Minutes of executive sessions except as provided in A.R.S. § 38-431.03(B);
 - b. A record classified as confidential by another law, rule, or regulation applicable to the Board;
 - c. College or university grades, medical or mental health information, and professional references of an applicant except that the applicant who is the subject of the information may view or copy the record;
 - d. An applicant’s driver license number, ~~social security~~ Social Security number, home address, ~~and~~ home phone numbers, personal e-mail address, place of birth, and birthdate;
 - e. A record for which the Board determines that public disclosure will have a significant adverse effect on the Board’s ability to perform its duties or will otherwise be detrimental to the best interests of the state. When the Board determines that the reason justifying the confidentiality of the record no longer exists, the Board shall make the record available for public inspection and copying; and
 - f. Information regarding a complaint under investigation except as provided in A.R.S. § 41-1010.
13. “Continuing education” means a structered learning process required of a licensee to maintain licensure that includes study in the areas of athletic training practice through an institute, seminar, lecture, conference, workshop, mediated instruction, programmed learning course, or postgraduate study in athletic training.
14. “Continuing education unit” or “CEU” means one contact hour of participation in a continuing education course.
- 44.15. “Day” means a calendar day.
- 42.16. In addition to A.R.S. §32-4101(5), “Direct supervision” means:
- a. ~~The athletic trainer is present in the facility or on the campus where the athletic training student is performing services;~~
 - b. ~~The athletic trainer is immediately available for consultation; and~~

a. The athletic trainer can immediately intervene on behalf of the patient, and

e.b. The athletic trainer reviews the performance of the athletic training student every grading period.

~~13.17.~~ “Facility of practice” means the principal location of an agency or organization where an athletic trainer provides athletic training services but excludes areas used predominantly for athletic sport or competition.

~~14.18.~~ “Good moral character” means ~~an~~ the applicant; has not taken any action that is grounds for disciplinary action against a licensee under A.R.S. § 32-4153.

a. ~~Has not, within five years of application for licensure, been convicted of, plead guilty to, or plead nolo contendere to a felony or misdemeanor that is directly related to public health, athletic care, or education. This includes, but is not limited to:~~

i. ~~Rape;~~

ii. ~~Sexual abuse;~~

iii. ~~Actual or threatened use of a weapon of violence; or~~

iv. ~~The illegal use, sale, or distribution of a controlled substance.~~

b. ~~Has not, within five years of application for licensure, committed any act involving dishonesty, fraud, misrepresentation, gross negligence, or incompetence;~~

c. ~~Is not currently incarcerated in a penal institution;~~

d. ~~Has not had a professional license revoked or suspended for cause by this state or by any other jurisdiction, or surrendered a professional license in lieu of disciplinary action;~~

e. ~~Has not had athletic training certification revoked or suspended for cause by an approved national athletic training certifying agency; or~~

f. ~~Has not practiced without the required licensure in this state or in another jurisdiction within the United States within the two years immediately preceding the filing of the application for licensure.~~

~~15.19.~~ “Good standing” means that an athletic trainer: in this state or any other jurisdiction:

a. Has a current license;

b. Is not presently subject to any disciplinary action, consent order, or settlement agreement; and

c. Has no disciplinary action, consent order, or settlement agreement pending before any licensure Board or court.

~~16.20.~~ “Licensee” means a person licensed in Arizona as an athletic trainer.

~~17. “NATA BOC” means National Athletic Trainers’ Association Board of Certification, Inc.~~

~~18.21.~~ “National examination” means the national athletic training certification examination provided by the ~~NATA BOC~~
BOC.

~~19. “Substantive review time frame” has the same meaning as in A.R.S. § 41-1072(3).~~

R4-49-102. Fees

A. An applicant shall pay the following fees:

1. Application for original license ~~fee: \$250;~~ \$300;
2. Renewal license fee: ~~\$125;~~ \$175;
3. Reinstatement of a license ~~fee: \$125;~~ \$200.00. This is in addition to the renewal license fee;
4. Duplicate license ~~fee:~~ \$25.

B. The Board shall charge 25¢ per page for copies of records, documents, letters, minutes, applications, and files or appropriate fees as defined by A.R.S. § 39-121.03.

C. All fees are nonrefundable except as provided in A.R.S. § 41-1077.

D. An applicant shall pay original license fees and returned or insufficient fund replacement checks in cash or by cashier’s check, ~~or~~ money order, credit card or by debit card if available.

E. An applicant shall pay renewal, reinstatement, and duplicate license fees in cash or by cashier’s check, money order, or personal check.

R4-49-103. Board Operations

A. The Board shall meet annually in January ~~on or after the third Monday of the month.~~ The Board shall hold additional meetings as required by A.R.S. § 32-4103(A)(8) and as necessary to conduct the Board’s business. Meetings may be convened by the Chair, a majority vote of the Board members, or upon written request to the Chair from at least two Board members.

B. All Board records shall be open to public inspection and copying, except confidential records. Records may be inspected at the Board Office Monday through Friday, 8:00 a.m. to 5:00 p.m., except state holidays or other days in which the office is required to be closed.

ARTICLE 2. LICENSURE

R4-49-201. Qualifications for Licensure

~~A.~~ To qualify for an athletic trainer license a person shall:

1. Meet the requirements at A.R.S. § 32-4122, and
2. Complete an athletic training education program accredited by CAATE or its predecessors, and
- ~~2-3.~~ Pass the national examination.

~~B. An applicant who is certified as an Athletic Trainer by NATA-BOC and continuously maintains athletic training certification before January 1, 2004 and is otherwise qualified for licensure under this Chapter, is exempt from subsection (A)(2).~~

R4-49-202. Original License Application

A. An applicant for an athletic trainer license shall submit an original application that includes the following information:

1. Applicant's full name;
2. Applicant's name as it will appear on the license;
3. Other names used;
4. Social Security number;
5. Residence address and telephone number;
6. Date of birth;
7. Applicant's national athletic training certificate number and date of certification;
8. Post-secondary educational institutions attended;
9. Professional experience, field work, or both within the last five years;
10. Employer's name, address, and telephone number;
11. Current or previous athletic training or other professional license or certification numbers from other states and foreign countries and the status of each license or certification;
12. Current and previous arrest, criminal conviction, and disciplinary actions from any licensing agency or court;
13. E-mail address, if available;
14. Statement of citizenship or alien status and submittal of documents showing the individual's presence in the United States is authorized under federal law;
- ~~13, 15.~~ Affidavit of truth attesting to the truthfulness of the information provided signed and notarized.

B. An applicant shall submit or cause to be submitted on the applicant's behalf the following:

1. Application fee,

2. Written verification from the ~~NATA-BOC~~ BOC of athletic training certification or a passing score on the national examination as required by R4-49-201,
3. Official academic transcripts from institutions listed on the application, and
4. Two letters attesting to the applicant's good moral character from health care providers licensed ~~under 4 A.A.C. Title 49~~ pursuant to A.R.S § 32-4101 et seq.
5. A readable fingerprint card and associated fee for submission to the Department of Public Safety or current clearance card issued by the Department of Public Safety.

C. An original license shall expire one year from the date of issuance.

R4-49-203. Renewal License

- A. To renew a license, a licensee shall submit a renewal application and a renewal fee, ~~in compliance with the schedule in subsection (D).~~
- B. A licensee shall sign the renewal application and include the following:
 1. Applicant's full name;
 2. Applicant's name as it will appear on the renewal license;
 3. Residence address and telephone number;
 4. Current Arizona Board of Athletic Training license number;
 5. Arrest, criminal conviction, and disciplinary actions from any licensing agency or court since last license renewal;
 6. Social Security number;
 7. Employer's name, address, and telephone number;
 8. Attestation of compliance with the continuing education requirements listed in R4-49-208;
 9. A readable fingerprint card and associated fee for submission to the Department of Public Safety or a current clearance card issued by the Department of Public Safety if the previous submission is at least five years old or the Department of Public Safety clearance card will expire within the term of the renewed license;
 10. Statement of continuance of citizenship and/or right to work in the United States or submittal of documents showing the right to work exists.
 - 8.11. Signature and date.
- C. A licensee shall submit the renewal application and fees to the Board office ~~by the first day of the month, based on the following schedule:~~ at least 14 days prior to the expiration date of the current license.

1. ~~Last name begins with A-B: January;~~
2. ~~Last name begins with C-D: February;~~
3. ~~Last name begins with E-F: March;~~
4. ~~Last name begins with G-H: April;~~
5. ~~Last name begins with I-J: May;~~
6. ~~Last name begins with K-L: June;~~
7. ~~Last name begins with M-N: July;~~
8. ~~Last name begins with O-P-Q: August;~~
9. ~~Last name begins with R-S: September;~~
10. ~~Last name begins with T-U: October;~~
11. ~~Last name begins with V-W: November; and~~
12. ~~Last name begins with X-Y-Z: December.~~

D. ~~Renewal license fees for the year immediately following the issuance of an original license are based on the time between the issuance of the original license and the time of license renewal as follows:~~

1. ~~Less than two months: No fee;~~
2. ~~Two months or more but less than four months: 20% of the renewal license fee;~~
3. ~~Four months or more but less than six months: 40% of the renewal license fee;~~
4. ~~Six months or more but less than eight months: 60% of the renewal license fee;~~
5. ~~Eight months or more but less than 10 months: 80% of the renewal license fee; and~~
6. ~~Ten months or more: 100% of the renewal license fee.~~

R4-49-204. Expired License: Reinstatement

- A.** A license expires if it is not renewed on or before the renewal date.
- B.** An expired license may be reinstated within three years of expiration of the license if:
 1. The former licensee has: ~~current certification from the NATA-BOC as an athletic trainer;~~
 - a. Current certification from the BOC as an athletic trainer, or
 - b. Proof of continuing education to meet the requirements for the time not licensed;
 2. A renewal application is submitted under R4-49-203; and
 3. The license reinstatement fee and renewal fee are paid under R4-49-102;

4. The former licensee attests, in writing, that the licensee has not practiced athletic training in Arizona during the time the license was expired.

R4-49-205. License Application Review

- A. For an original license, renewal license, or reinstated license as an athletic trainer the time-frames required by A.R.S. § 41-1072 et seq. are:
1. Overall time-frame: 120 days
 2. Administrative completeness review time-frame: 60 days
 3. Substantive review time-frame: 60 days
- B. An administratively complete application for licensure consists of all the information and documents listed in:
1. R4-49-202 for an original athletic training license,
 2. R4-49-203 for renewal of an athletic training license, and
 3. R4-49-204 for reinstatement of an athletic training license.
- C. The administrative completeness review time-frame, as described in A.R.S. § 41-1072(1) and listed in subsection (A)(2), begins on the date the Board receives an application.
1. If the application is not administratively complete when received, the Board shall send a notice of deficiency to the applicant. The deficiency notice shall state the documents and information needed to complete the application.
 2. The applicant shall submit to the Board the missing documents and information within 120 days from the ~~postmark~~ date of the deficiency notice. The time-frame for the Board to finish the administrative completeness review is suspended from the ~~postmark~~ date of the deficiency notice until the date the Board receives the missing documents and information.
 3. If the applicant fails to provide the missing documents and information within the 120 days provided, the Board shall close the applicant's file. An applicant whose file is closed and who wants to be licensed shall apply again under R4-49-202, R4-49-203, or R4-49-204.
 4. When the application is administratively complete, the Board shall send a written notice of administrative completeness to the applicant.
- D. ~~The Substantive~~ substantive review time-frame, as described in A.R.S. § 41-1072(3) and listed in subsection (A)(3), begins on the ~~postmark~~ date of the notice of administrative completeness.

1. During the substantive review time-frame, the Board may make ~~one~~ comprehensive written ~~request~~ requests for additional information- and may make additional requests for additional information by written agreement with the applicant.
2. The applicant shall submit to the Board the additional information identified in the request for additional information within 60 days from the ~~postmark~~ date of the request for additional information. The time-frame for the Board to finish the substantive review of the application is suspended from the ~~postmark~~ date of the request for additional information until the Board receives the additional information.
3. Unless an applicant requests that the Board deny a license within the 60-day period in subsection (D)(2), the Board shall close the file of an applicant who fails to submit the additional information within the 60 days provided. An applicant whose file is closed and who wants to be licensed shall apply again under R4-49-202, R4-49-203, or R4-49-204.
4. When the substantive review is complete, the Board shall inform the applicant in writing of its decision to grant or deny a license to the applicant.
 - a. The Board shall deny a license if it determines that the applicant does not meet all substantive criteria for licensure required by statute and rule.
 - b. The Board shall grant a license if it determines that the applicant meets all substantive criteria for licensure required by statute and rule.
 - c. If the Board denies an application, the applicant may, within 30 days of service of the notice of denial, make a written request for a hearing to review the Board's decision. The hearing shall be conducted under A.R.S. Title 41, Chapter 6, Article 10.
 - d. In a hearing conducted on a denial of a license, the applicant has the burden of proof.

R4-49-207. Temporary Licenses

- A.** Subject to subsection (B), the executive director may issue a temporary license to an applicant for a license if the applicant meets the requirements of A.R.S. § 32-4127.
- B.** The executive director shall not issue a temporary license without prior board approval if:
1. The applicant is the subject of a pending complaint before the Board or any other state health care regulatory entity.
 2. The applicant has had a license or certificate to practice a health care profession suspended or revoked by another state health care regulatory entity.

3. The applicant has a criminal history or history of disciplinary action by a state health care regulatory entity, or

4. The applicant has been previously denied an application for an athletic training license.

C. A temporary licensee is subject to disciplinary action by the Board pursuant to A.R.S. § 32-4153.

R4-49-208. Continuing Education

A. As a prerequisite to renewal, a licensee shall complete at least 15 CEUs in the area of athletic training since the issuance of the previous license.

B. A licensee shall:

1. Maintain continuing education records that:

a. Verify the continuing education activities the licensee completed during the preceding two years, and

b. Consists of a statement of credit or a certificate issued by an approved provider at the conclusion of a continuing education activity;

2. At the time of licensure renewal, attest to the number of CEUs the licensee completed during the renewal on the renewal form; and

3. When requested by the Board office, submit proof of continuing education participation within 20 days of the request.

C. Licensees may provide proof of continued BOC certification to meet the CEU requirements of this Section.

D. All licensees shall complete a course approved by the Board on the athletic training statutes and this Chapter within one year of obtaining an original license or license renewal. This course needs only to be taken one time.

E. In addition to the CEU requirements above, all licensees shall maintain current certification in cardiopulmonary resuscitation from a provider that is approved by the Board.

F. Upon written request to the Board 30 days prior to the license renewal date the Board may waive a licensee's continuing education requirement in the case of extreme hardship such as, but not limited to, mental or physical illness, disability, absence from the United States, service in the United States Armed Forces or other extraordinary circumstances as determined by the Board.

G. The Board may audit a licensee's continuing education records and revoke, suspend, or place on probation the license of a licensee who fails to comply with continuing education completion, recording, or reporting requirements of this Section.

H. A licensee who is aggrieved by a decision of the Board concerning continuing education units may request a hearing before the Board.

ARTICLE 3. HEARINGS

R4-49-302. Rehearing or Review of Decision

- A. ~~The Board shall provide for a rehearing and review of its decisions under A.R.S. Title 41, Chapter 6, Article 10.~~ Any party in a contested case or appealable agency action before the Board may file a motion for rehearing or review within 30 days after service of the final administrative decision. Service is complete upon personal service or five days after the date the decision is mailed by certified mail to the party's last known address of record. The party shall attach a full supporting memorandum specifying the grounds for the motion.
- B. A party is required to file a motion with the Board for rehearing or review of a decision of the Board to exhaust the party's administrative remedies.
- C. A party may amend a motion for rehearing or review at any time before the Board rules on the motion.
- D. The Board may grant a rehearing or review for any of the following reasons materially affecting a party's rights:
1. Irregularity in the proceedings of the Board, or any orders or abuse of discretion, that deprived the moving party of a fair hearing;
 2. Misconduct of the Board, its staff, an administrative law judge, or the prevailing party;
 3. Accident or surprise that could not have been prevented by ordinary prudence;
 4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
 5. Excessive penalty;
 6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the proceedings;
 7. Evidence that the Board's decision was a result of passion or prejudice; or
 8. Findings of fact or decision that was not justified by the evidence or was contrary to law.
- E. The Board may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (D). An order modifying a decision or granting a rehearing shall specify with particularity the grounds for the order.

- F.** When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. The Board may extend this period, for a maximum of 20 days, for good cause as described in subsection (I).
- G.** Not later than 10 days after the date of a decision, after giving parties notice and an opportunity to be heard, the Board may grant a rehearing or review on its own initiative for any reason for which it might have granted relief on motion of a party. The Board may grant a motion for rehearing or review, timely served, for a reason not stated in the motion.
- H.** If a rehearing is granted, the Board shall hold the rehearing within 60 days after the issue date on the order granting the rehearing.
- I.** The Board may extend all time limits listed in this Section upon a showing of good cause. A party demonstrates good cause by showing that the grounds for the party's motion or other action could not have been known in time, using reasonable diligence, and:
1. A ruling on the motion will further administrative convenience, expedition, or economy; and
 2. A ruling on the motion will avoid undue prejudice to any party.

ARTICLE 4. ATHLETIC TRAINING PRACTICE

R4-49-401. Scope of Practice

A licensee shall work within the scope of practice for athletic trainers stated in A.R.S. § ~~32-4101(3)~~ 32-4101(4) and ~~the domains, tasks, knowledge, and skills contained in National Athletic Trainers' Association Board of Certification Role Delineation Study: Athletic Training Profession (4th Edition), published in 1999 by the National Athletic Trainers' Association Board of Certification, Inc., 1512 S. 60th St., Omaha, NE 68106-2102, the competencies contained in the Athletic Training Educational Competencies (5th Edition), published in 2010 by the National Athletic Trainers' Association, Inc. 2952 Stemmons Freeway, Dallas, TX 75247,~~ which is incorporated by reference and is on file with the Arizona Board of Athletic Training Office ~~and the Secretary of State's office~~. The material incorporated contains no future amendments or editions.

R4-49-403. Standards of Practice

A licensee shall ~~work within~~ comply with the standards of practice for athletic trainers stated in A.R.S. § 32-4101(3) and the standards of professional practice contained in National Athletic Trainers' Association Board of Certification Standards of Professional Practice, Disciplinary Process, Requirements to Maintain Certification for the Certified Athletic Trainer, published in ~~2000~~ 2006 by the ~~National Athletic Trainers Association~~ Board of Certification, Inc., 1512 S. 60th St., Omaha,

NE 68106-2102, which is incorporated by reference and is on file with the Arizona Board of Athletic Training Office and the Secretary of State's office. The material incorporated contains no future amendments or editions.

R4-49-404. Code of Ethics

A licensee shall work within the code of ethics for athletic trainers stated in A.R.S. § 32-4153(10) and the Code of Ethics of the National Athletic Trainers' Association, published in 1997 by the National Athletic Trainers' Association, 2952 Stemmons Freeway, Dallas, TX 75247, which is incorporated by reference and is on file with the Arizona Board of Athletic Training Office and the Secretary of State's office. The material incorporated contains no future amendments or editions.